

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

APRIL 20, 2009

KENDALL-DEAN SCHOOL

7:00 P.M.

GOOD & WELFARE

Disclaimer

Mr. Lovett read the following disclaimer: “It is the Board’s understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done on behalf of the Town of North Smithfield, nor is the Town of North Smithfield in any way sponsoring or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof. Any video tape of this meeting or any other use of said video tape or other recording and the contents thereof are solely the responsibility of the parties doing this videotaping.”

No one spoke under Good & Welfare.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members in attendance were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

APPROVAL OF MINUTES

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote to table approval of the minutes until the May 4th meeting because they were incomplete.

PAYMENT OF BILLS

Monthly Bills

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$160,341.79; Sewer - \$5,528.38; Water - \$93,530.17; Wire Transfer School Department - \$1,138,199.00; and Wire Transfer Fire Department - \$176,991.00 for a total of \$1,574,590.34.

Gilbane Building Company

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment of Requisition #19F #4178010 in the amount of \$131,710.50 based upon the recommendations of Interim Finance Director Donald Gray, the School Building Committee and School Building Committee Chairman David Chamberland.

APPOINTMENTS TO CONSERVATION COMMISSION

Mrs. Hamilton read letters of interest from Jeff Delasanta and Michael Johnson.

Dr. Benoit had heard there was a third applicant and was interested in

seeing his letter.

MOTION by Mr. Zwolenski and seconded by Mr. Leclerc to approve the Administrator's appointment of Jeff Delasanta to the Conservation Commission for completion of a three-year term that expires December 1, 2010.

Following further discussion, Mr. Zwolenski amended his motion and Mr. Leclerc amended his second to appoint Mr. Delasanta to a three-year term that will expire December 1, 2011. The motion carried unanimously on a roll call vote.

April 20, 2009

Conservation Commission Chairman Paul Soares commented that Mr. Johnson had already been invited to a Conservation Commission meeting and had helped in clearing some property. Mr. Soares was very comfortable in having Mr. Johnson join the board.

Dr. Benoit still felt the Council may want to learn more about the third applicant.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted 4 to 1 on a roll call vote (Dr. Benoit voted no) to approve the Administrator's appointment of Michael Johnson to complete a three-year term that will expire December 1, 2010.

MOTOR VEHICLE DAMAGE CLAIM – J. PELOQUIN

A request for reimbursement of damages to his motor vehicle was submitted by Jason Peloquin of 160 Asylum Street, Woonsocket in the amount of \$1,947.87. Apparently the vehicle had struck an open manhole cover on Morse Avenue.

Mr. Biron recommended denying the claim for several reasons. According to town ordinances, claims are to be filed with the Town Clerk within seven days of the incident and the claimant will only be paid upon receipt of a paid invoice. Mr. Biron actually went to Mr. Peloquin's home and looked at the vehicle. None of the work has been performed and the amount of damage is minimal.

MOTION by Mr. Biron, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to deny the claim of Jason Peloquin for damages to his 1999 Ford Explorer in the amount of \$1947.87.

LIZ DEVELOPMENT

Mrs. Hamilton stated that she did meet this morning with Mr. Nadeau, Town Planner Robert Ericson and the developer, Mr. Mesolella, to learn what has been accomplished to date and what still needs to be done. A second meeting will be scheduled for the beginning of May.

CHERRY BROOK

Mrs. Hamilton was informed by Mr. Ericson that he hopes to present

an overview at the May 18th meeting.

MIDDLE SCHOOL CONSTRUCTION PROJECT

Design/Builder's Contingency

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve Budget Expenditure Authorization 17, dated April 8, 2009 in the amount of \$2,889.00 based upon the recommendations of the School Building Committee and the Interim Finance Director Donald Gray.

Owner's Contingency

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve Change Order #28 as follows: CR 2594 - \$698.00; CR 2690 - \$1,082.00; and CR 2700 - \$2,855.00 for a total of \$4,635.00 based upon the recommendations of the School Building Committee and the Interim Finance Director Donald Gray.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to authorize the Town Administrator to sign BEA 17 and CO #28.

CONSERVATION COMMISSION MINUTES

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted unanimously on an aye vote to accept the minutes of February 23, 2009 as presented.

LICENSE TO BOARD CATS AND DOGS – M. ZIEMBA D/B/A NIGHT SKY DOG BOARDING

MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Zwolenski, and voted unanimously on an aye vote to approve the license to board cats and dogs to Michelle Ziemba d/b/a Night Sky Dog Boarding located at 1931 Pound Hill Road.

April 20, 2009

DRAINLAYER'S LICENSE – J. CORRIVEAU JR. D/B/A BEAUCHEMIN DESIGNS

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve a drainlayer's license to Beauchemin Design located at 314 Center Street, Bellingham, Massachusetts.

DRAINLAYER'S LICENSE – P. DISPIRITO D/B/A PETE'S PLUMBING INC.

MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on an aye vote to approve a drainlayer's license to Peter DiSpirito d/b/a Pete's Plumbing Inc. located at 27 Chester Street.

APPOINTMENT TO HISTORIC DISTRICT COMMISSION

There was no appointment.

APPOINTMENT TO ORDINANCE REVIEW COMMITTEE

There was no appointment.

LEGAL FEES REIMBURSEMENT FOR BOARD/COMMITTEE MEMBERS

Mr. Nadeau had some suggestions to be included in this policy: 1.) The individual has to be sued while acting in his/her capacity as a board/commission or in some capacity as a town employee, 2.) To be eligible for reimbursement, it would behoove the town to require first that the individual seek legal representation through the town, whether through the Trust or through the Solicitor or other special counsel appointed for that particular litigation and 3.) If those requirements are met, then outside counsel hired by the individual would have to contract with the Town Council directly and be subject to the same fee restrictions that the town imposes on other counsel when they hire counsel to protect the town's interests.

Further discussion was continued to the May 18th meeting.

STONE SIGN FOR WAWSZKIEWICZ PROPERTY

Mr. Zwolenski explained that the Conservation Commission has been working with the Wawszkiewicz family to acquire ten acres on Mendon Road. One stipulation was that a stone memorial marker be

placed on the property.

Conservation Commission Chairman Paul Soares explained he had been in contact with the family attorney who had provided verbiage for the marker. After investigating the cost, Mr. Soares found it to be too prohibitive for a stone marker and he is now looking into a wooden sign. The cost is just under \$4,000 and would include installation of a fence on a portion of the property. The Commission members have agreed to install the fence bringing the cost to \$3,724.00. Mrs. Wawzkiewicz would like to have a dedication ceremony sometime in June.

There was discussion about borrowing the funds from the open space bond, using monies from the Planning account, doing a fundraiser or borrowing against the surplus.

Dr. Benoit wondered whether the \$50,000 that had been escrowed for the Gold property expenses could be tapped for usage until the next fiscal year.

Mr. Nadeau replied that he could certainly ask.

Mr. Zwolenski offered to contribute \$500.00 to get the project going.

Mr. Soares noted the Conservation Commission has \$400.00 in its budget and, if approved, that could also be contributed.

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to authorize placement of a memorial sign on town property in memory of Monica Wawzkiewicz.

COMMUNICATIONS

MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to accept and place on file the following: A.) Animal Control Monthly Report for March 2009, B.) Resolution Opposing House Bill H5679: An Act Relating to Towns and Cities – Councils and Governing Bodies from the Town of Burrillville and C.) April 20, 2009

Resolution Supporting Senate Bill 09-S0252 and House Bill 09-H5572: An Act Relating to Elections – Voting Districts and Officials – City of Warwick.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to enter into executive session at 8:35 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Material Sand & Stone/Material Concrete vs. the Town of North Smithfield.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to come out of executive session at 9:00

P.M. and to seal the minutes. No motions were made and no votes were taken.

**Material Sand & Stone/Material Concrete vs. Town of North Smithfield
MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Biron, and
voted unanimously on an aye vote to authorize the Town Solicitor to
negotiate and consummate a settlement for tax litigation between
Material Sand & Stone/Material Concrete and the Town of North
Smithfield.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted
unanimously on an aye vote to adjourn at 9:01 P.M.**

Respectfully submitted,

Debra A. Todd, Town Clerk